

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 05 January 2005

In the Matter of

FLORENCE STINGER
Complainant

v.

SCIENCE & ENGINEERING ASSOCIATES, INC.
Respondent

Case No. 2004-ERA-00020

RECOMMENDED ORDER OF DISMISSAL

On November 9, 2004, I ordered the complainant to show cause why this case should not be dismissed either as abandoned due to her failure to attend the November 8, 2004 hearing and to file a pre-hearing statement, or on the merits for lack of jurisdiction under the Energy Reorganization Act. The complainant has failed to respond to the show cause order.

Although the complainant is *pro se*, that is because she has refused to accept this Office's refusal to permit her attorney of choice, Edward Slavin, to represent her in this case. Mr. Slavin was denied the authority to appear before this Office by an order issued by Associate Chief Judge Thomas Burke on March 31, 2004. Mr. Slavin subsequently has been suspended from the practice of law by the State of Tennessee. Nevertheless, complainant continues to assert that Mr. Slavin is her attorney in this case, stating (contrary to fact) that an interlocutory appeal regarding this issue is pending before the Administrative Review Board (which in turn also has disqualified Mr. Slavin from appearing before it, *see In re Edward A. Slavin, Jr.*, ARB Case No. 04-172 (Oct. 20, 2004)). Moreover, she has refused to participate in this case either by filing the pre-hearing statement required by my pre-hearing order, appearing at the hearing, or filing a response to the *Order To Show Cause*. Under these circumstances, I find that the complainant has abandoned her claim, and

IT IS RECOMMENDED that this case be dismissed. In light of this ruling, it is unnecessary to determine whether the case also should be dismissed due to complainant's failure to respond to a lawful order of the court to file a pre-hearing statement or whether respondent's motion for summary judgment should be granted.

A

JEFFREY TURECK
Administrative Law Judge